

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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BRADLEY S. JUNKER,

Civil No. 08-5159 (JRT/RLE)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

DAN BIRKHOLZ, COUNTY OF  
COTTONWOOD, DOUG BRISTOL,  
AND JOHN SCHOLL.

Defendants.

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The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson dated October 14, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that: this action is dismissed, but without prejudice, for failure to comply with this Court's Order of September 15, 2008, for failure to pay the initial partial filing fee, and for lack of prosecution.

DATED: November 18, 2008  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge